

REMARKS

Claims 1-26 are currently pending in the application.

The Office Action objected to the inclusion of the phrase “stand alone” in the claims as this specific language had not been used in the originally filed specification. While Applicant respectfully disagrees with the position stated in the Office Action that this feature is not disclosed in the specification, Applicant has amended each of the claims to delete the phrase “stand alone.”

The Office Action also took issue with the lack of support in the specification for a payout to be provided from a progressive jackpot. Since the disclosure of having an enhanced payout provided from a progressive jackpot was in originally filed claim 20, Applicant has amended the specification to include support for a payout to be provided from a progressive jackpot. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §112, first paragraph have been resolved or rendered moot.

Turning now to the substantive rejections of claims 1-15 in view of Walker, et al. entitled Method and Apparatus for **Team Play** of Slot Machines (emphasis added), initially, the whole purpose of the Walker patent is to alleviate the perceived disadvantage of the prior art “slot machines [which] tend to be isolationist in nature.” Walker states “There is typically no sense of team play or social interaction associated with slot machines.” (See Walker paragraph 0004). Walker is therefore intended to provide team play and player interaction to increase the attractiveness to players. (See Walker paragraph 0015). Walker’s system clearly requires *at least two slot machines* for team play and the step of *analyzing outcomes from the first and second slot machines* to

determine if the bonus conditions are met. (See Walker paragraph 0017). By the present amendments to the claims, Applicant has clearly distinguished his claimed invention from the Walker reference, whether taken alone or viewed in combination with the '147 patent to Stupak.

Applicant's invention is played by a single player. In order to appreciate the distinction between Applicant's claimed invention and Walker, the proper focus must be on the qualifying events, i.e., which events qualify the said player for an enhanced, time-dependent, payout. According to Applicant's amended claims *a player* is provided with an opportunity to place a wager and play a hand of video poker. (See example, amended claim 1). It is only if that said player obtains at least one preselected initiating winning hand that a timer is commenced and Applicant's claimed step of "providing an enhanced, time-dependent, payout to **said player**" occurs *only* if a hand of equal value to said preselected initiating winning hand is obtained by said player during the predetermined time period. The outstanding Office Action clearly conceded that **Applicant's specification does not teach "a method of playing with multiple players."** (Office Action mailed March 27, 2007, page 3).

Still furthermore, throughout the specification, Applicant refers to a player receiving a winning hand, and only receiving an enhanced payout *if that player* obtains a hand of equal value to the "initiating" winning hand. (See page 1, bottom line). Thus, the player who obtains a hand of equal value is *the same player* who obtains the initiating winning hand, and a player only qualifies for an enhanced, time-dependent, payout if that player was the one who obtained the initiating winning hand. Accordingly, and as

conceded by the Office Action as noted above, Applicant's claimed invention does not related to and is not anticipated nor obviated by team play with multiple players as disclosed by Walker.

With respect to the rejection of claims 16-26 under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of Walker in view of Stupak, this rejection is also obviated by the amendments for the same reasons as discussed above with respect to claims 1-15.


Accordingly, Applicant respectfully submits that all pending claims are now patentable over the art of record.

CONCLUSION

Applicant respectfully submits that all pending claims as amended are now in condition for allowance. If the examiner has any questions or comments which might expedite the prosecution of the present application, he is respectfully requested to contact the Applicant's attorney on the phone number set forth below.

Respectfully submitted,

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